

DRAFT (Work in Progress)
Actions and Recommendations of the
Government Oversight Committee
on the Office of Program Evaluation and Government Accountability's Report
Healthy Maine Partnerships FY13 Contracts and Funding
November 2014

This report summarizes the actions and recommendations of the Legislature's Government Oversight Committee (GOC) in response to the report by the Office of Program Evaluation and Government Accountability (OPEGA) on Healthy Maine Partnerships FY13 Contracts and Funding.

OPEGA's report can be found at www.legislature.maine.gov/opegareports. The GOC Meeting Summaries documenting, in more detail, the Committee's work and deliberations with regard to this report can be found at www.legislature.maine.gov/opegareports/goc-meetings. Copies of the report or summaries can also be obtained by contacting OPEGA at

Key GOC Dates (See GOC Meeting Summaries on these dates for detailed record.)

Report Presentation: December 12, 2013

Public Comment Period: January 10, 2014

Special Inquiry of Maine CDC Officials: March 14, 2014

Work Sessions: January 24, 2014 – February 21, 2014 – February 28, 2014 – April 11, 2014 –
June 26, 2014 – August 20, 2014 – September 24, 2014

Vote on Accepting OPEGA Report: September 24, 2014

OPEGA's Report Recommendations (See OPEGA report for details.)

OPEGA's report included four recommendations for management action. The full discussion of these recommendations and the agency's response can be found in the OPEGA report.

Rec. 1 - MCDC Should Gather Relevant Performance Data

Rec. 2 - MCDC Should Ensure Integrity of Future Processes Used to Determine Funding Awards or Make Selections Among Competing Grantees

Rec. 3 - DHHS Should Provide MCDC with Guidance and Clarification on Documentation Retention Policies

Rec. 4 - MCDC Should Clarify the Roles and Responsibilities for the Tribal Contract and Make Them Consistent with Those for Other HMPs

Additional Information Requested/Gathered/Received by the GOC???

During the Public Comment Period on January 10, 2014, the GOC heard testimony from:

William Boeschstein, Chief Operating Officer, DHHS

Sharon Leahy-Lind, Portland, ME

Becky Smith, Director, Government Relations for the American Heart Association

Judith Meyer, Managing Editor, Sun Journal, Lewiston, ME

Ed Miller, Senior Vice President, American Lung Association

Kristi Ricker, Director, Wabanaki Public Health District

Clarissa Webber, former Director, Wabanaki Public Health District

Megan Hannan, Executive Director, Frannie Peabody Center

Requested Briefings/Input from:

Asked OPEGA to provide:

Asked others to provide:

GOC Concerns

In addition to the issues raised in OPEGA's report, the GOC identified additional or broader concerns from the additional information requested, the public comment period and the special inquiry of Maine CDC officials. These concerns were:

- Potential violation of Freedom of Access Act or intent to frustrate purpose of FOAA.
- Weaknesses in Records Retention Policies, Practices and Training at Maine CDC and Statewide.
- Lack of State-wide expectations and guidance for situations where agencies are making selection and funding decisions among competing entities without an RFP, including what documentation should be generated in such situations.
- Lack of accessible, effective, and confidential (when necessary) avenues for employees to report, and get guidance/action on, concerns regarding violations of laws/regulations, State policy and procedures, or ethics.
- Lack of clear and effective Codes of Ethics or Conduct for State employees that establishes ethical expectations, serves as guidance in day to day activities/decisions and serves as the foundation for identifying ethics violations and holding individuals accountable when ethical standards are not met.

GOC Actions

GOC requested Attorney General review of information that suggested a possible violation of the Freedom of Access Act

On May 22, 2014, the GOC sent a letter to Attorney General Mills advising that the Committee had received sworn testimony and other information suggesting there were actions taken by managers at Maine CDC that may constitute a violation of FOAA. GOC requested that the Attorney General's office review the information the GOC had received and investigate as it deemed appropriate. [See Attachment A.](#)

GOC requested Attorney General and Secretary of State convene working group to make recommendations for improving State's records retention framework

On July 31, 2014, the GOC sent a letter to the Attorney General and Secretary of State requesting that those offices convene a working group to develop and/or make specific recommendations to the GOC with regards to improvements in the State's Records Retention framework. The letter specified what areas the GOC desired recommendations and suggestions from the working group on. GOC requested a report back from the working group by February 1, 2015. [See Attachment B.](#)

GOC directed OPEGA to explore options for establishing State-wide expectations for agencies making selection and funding decisions among competing entities without an RFP

GOC directed OPEGA to explore with relevant agencies reasonable options for establishing State-wide expectations and guidance for the described situations and bring those back to the GOC for consideration. In Progress

GOC voted to introduce legislation to strengthen ethics framework for Executive Branch employees

[On DATE, the GOC voted to introduce legislation on ethical framework and directed OPEGA to draft legislation that would XXXXX.](#)

GOC Vote on Acceptance of OPEGA Report

The GOC accepted OPEGA's report on Healthy Maine Partnerships FY13 Contracts and Funding by unanimous vote of those present on September 24, 2014 ([Vote count](#)). A motion to accept the report had been considered and tabled at the GOC's [DATE](#) meeting.

The following are comments Committee members wanted on record with regard to their vote.

Senator Burns

Sen. Burns had some reservations in fully accepting OPEGA's Report related to the information in the report that refers to the HMP contract with the Tribes and the discussion at previous GOC meetings¹ about the language in the report that the representatives of Wabanaki Public Health did not agree with. He has worked with the Tribes since the mid-seventies in various capacities and now understands much better what some of their concerns are and he empathizes with those concerns. He represents the Tribes in the Senate and he wants to make sure that their concerns, as well as his, are well known and well documented.

¹ The GOC discussed the concerns of Wabanaki Public Health representatives at its meetings on [January 10, 2014](#), [January 24, 2014](#). See the GOC Meeting Summaries for those dates for a fuller discussion of those concerns.

Sen. Burns referred to a statement in the letter received from Kristi Ricker, Program Director of Wabanaki Public Health. “It was stated in the OPEGA report that the Tribal district contract was handled differently. There should be clarification that it was handled differently because it is a contract between two governments, not between Maine DHHS and a community coalition, as in other cases.” Sen. Burns thought that was a significant point and thinks OPEGA made attempts to try to resolve that concern by making revisions to the language in Recommendation 4, but it was not resolved to the satisfaction of the Tribes.

Sen. Burns noted that Director Ricker also had concerns with references in the OPEGA report to the amount of funding in the Tribal HMP FY13 contract because total dollar amount included funding for other efforts besides HMP work. Those references were in the language on page 22, the table on page 23 and in Recommendation 4. Director Ricker was concerned about the impression this gave as to the amount of funding to the Tribes. She stated in a letter, “As tribal nations we continue to fight the stigma that we receive more than we deserve and that there is favoritism within the system.”

Sen. Burns empathizes with the Tribes’ concerns which still have not been resolved and is voting to support the Report with that exception.